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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,237	03/30/2001	Atsushi Maeda	263/125	6325

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EXAMINER

LASTRA, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/823,237

Applicant(s)

MAEDA ET AL.

Examiner

DANIEL LASTRA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09/18/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-18 have been examined. 09/823,237 (METHOD AND APPARATUS FOR MANAGING PURCHASE POINTS) has a filing date 03/30/2001 and foreign priority date 09/22/00.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Storey (U.S. 5,774,870).

As per claim 1, Storey teaches:

A purchase point managing apparatus, comprising:

a point table which records per user a total value of points which a user earns by purchasing merchandise (see column 5, lines 57-67);

a merchandise table which describes relationship between the merchandise and a point earned as a result of purchase thereof (see column 5, lines 55-67);

an exchange table which describes relationship between the point and a prize offered to the user according to the point earned (see column 8, lines 22-60); and

a merchandise recommending unit which presents to the user a merchandise candidate to be purchased so as to acquire a predetermined prize (see column 8, lines 22-60).

As per claim 2, Storey teaches:

A purchase point managing apparatus as recited in Claim 1, further comprising a candidate table which stores data on the merchandise candidate, wherein said candidate table stores, in addition to said data, data on a plurality of merchandise in combination which are suggested to be purchased to acquire the predetermined prize (see column 5, line 56 – column 6, line 2; column 8, lines 22-60).

As per claim 3, Storey teaches:

A purchase point managing apparatus as recited in Claim 2, wherein said merchandise recommending unit combines the merchandise to be purchased and a purchasing timing thereof by referring to said merchandise table so as to define a purchasing model, and presents the purchasing model to the user (see column 8, lines 20-60).

As per claim 4, Storey teaches:

A purchase point managing apparatus as recited in Claim 3, further comprising a user data table which stores individual data on the user, wherein said merchandise recommending unit presents to the user a purchasing model suitable for the user by extracting the purchasing model from said candidate table based on the individual data (see column 8, lines 20-60).

As per claim 5, Storey teaches:

A purchase point managing apparatus as recited, in Claim 1, further comprising a first point transfer unit which transfers points in whole or in part earned by the user to another user (see column 7, lines 10-30).

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As per claim 6, Storey teaches:

A purchase point managing apparatus as recited in Claim 2, further comprising a first point transfer unit which transfers points in whole or in part earned by the user to another user (see column 7, lines 10-30).

As per claim 7, Storey teaches:

A purchase point managing apparatus as recited in Claim 3, further comprising a first point transfer unit which transfers points in whole or in part earned by the user to another user (see column 7, lines 10-30).

As per claim 8, Storey teaches:

A purchase point managing apparatus as recited in Claim 4, further comprising a first point transfer unit which transfers points in whole or in part earned by the user to another user (see column 7, lines 10-30).

As per claim 9, Storey teaches:

A purchase point managing apparatus as recited in Claim 1, further comprising a second point transfer unit which transfers points earned by a single user between points earned under other point managing system and those earned in said purchase point managing apparatus (see column 4, lines 16-35).

As per claim 10, Storey teaches:

A purchase point managing apparatus as recited in Claim 2, further comprising a second point transfer unit which transfers points earned by a single user between points earned under other point managing system and those earned in said purchase point managing apparatus (see column 4, lines 16-35).

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As per claim 11, Storey teaches:

A purchase point managing apparatus as recited in Claim 3, further comprising a second point transfer unit which transfers points earned by a single user between points earned under other point managing system and those earned in said purchase point managing apparatus (see column 4, lines 16-35).

As per claim 12, Storey teaches:

A purchase point managing apparatus as recited in Claim 4, further comprising a second point transfer unit which transfers points earned by a single user between points earned under other point managing system and those earned in said purchase point managing apparatus (see column 4, lines 16-60).

As per claim 13, Storey teaches:

A purchase point managing apparatus as recited in Claim 1, wherein said point table is updated whenever a point is transferred to or from other point managing system (see column 5, lines 50-67).

As per claim 14, Storey teaches:

A purchase point managing apparatus as recited in Claim 9, wherein said second point transfer unit presents, in a user selectable manner, to the user other point managing system to and from which a point is transferable (see column 7, lines 10-30).

As per claim 15, Storey teaches:

A purchase point managing apparatus as recited in Claim 1, further comprising a history notifying unit which manages a purchase history of the user in the past and

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classifies merchandise purchased by the user based on a predetermined criterion so as to be notified to the user (see column 4, lines 16-32).

As per claim 16, Storey teaches:

A purchase point managing apparatus as recited in Claim 1, further comprising a prize presenting unit which presents the prize exchanged for the points, via on-line or off-line, wherein said prize presenting unit indicates in advance a single prize or a plurality of prizes in combination exchangeable for the points (see column 5, lines 57-67; column 8, lines 10-60).

As per claim 17, Storey teaches:

A purchase point managing apparatus as recited in Claim 1, wherein the apparatus is provided either in a world wide web (WWW) server or external thereto independently (see column 1, lines 10-17).

As per claim 18, Storey teaches:

A method of managing a purchase point, comprising: recording per user a total value of points which a user earns by purchasing merchandise (see column 5, lines 10-57);

selecting a merchandise candidate which is recommended to purchased in order to acquire a predetermined prize, by comparing relationship between the merchandise, a point earned as a result of purchase of the merchandise, and a prize offered to the user according to the point earned; to the total value of points; and presenting the merchandise candidate selected to the user (see column 5, line 57 – column 6, line 2; column 8; lines 10-60).

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Postrel teaches a system for operating a reward points accumulation and redemption program.

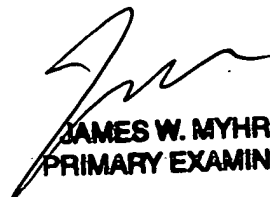
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
September 2, 2004

  
JAMES W. MYHRE  
PRIMARY EXAMINER